



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB4600

by Rep. Michael W. Tryon

SYNOPSIS AS INTRODUCED:

70 ILCS 3615/2.01d
70 ILCS 3615/2.30
70 ILCS 3615/3A.08
70 ILCS 3615/3A.09

from Ch. 111 2/3, par. 703A.08
from Ch. 111 2/3, par. 703A.09

Amends the Regional Transportation Authority Act. Provides that beginning January 1, 2010, the Chicago Transit Authority is responsible for and must coordinate the provision of ADA paratransit services within the Chicago Transit Authority's service area (now, Suburban Bus Board provides all ADA paratransit services). Makes conforming changes. Effective immediately.

LRB096 13352 RLJ 28053 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Regional Transportation Authority Act is
5 amended by changing Sections 2.01d, 2.30, 3A.08, and 3A.09 as
6 follows:

7 (70 ILCS 3615/2.01d)

8 Sec. 2.01d. ADA Paratransit Fund. The Authority shall
9 establish an ADA Paratransit Fund and, each year, deposit into
10 that Fund the amounts directed by Section 4.03.3 of this Act
11 and any funds received from the State pursuant to
12 appropriations for the purpose of funding ADA paratransit
13 services. The amounts on deposit in the Fund and interest and
14 other earnings on those amounts shall be used by the Authority
15 to make grants, based on the percentage of ADA paratransit
16 trips provided by the Suburban Bus Board and the Chicago
17 Transit Authority, to the Suburban Bus Board and the Chicago
18 Transit Authority for ADA paratransit services provided
19 pursuant to plans approved by the Authority under Section 2.30
20 of this Act. The Authority shall promulgate rules to determine
21 the percentage of ADA paratransit trips provided by the
22 Suburban Bus Board and the Chicago Transit Authority. Funds
23 received by the Suburban Bus Board or the Chicago Transit

1 Authority from the Authority's ADA Paratransit Fund shall be
2 used only to provide ADA paratransit services to individuals
3 who are determined to be eligible for such services by the
4 Authority under the Americans with Disabilities Act of 1990 and
5 its implementing regulations. Revenues from and costs of
6 services provided by the Suburban Bus Board or the Chicago
7 Transit Authority with grants made under this Section shall be
8 included in the Annual Budget and Two-Year Financial Program of
9 the Suburban Bus Board or the Chicago Transit Authority and
10 shall be subject to all budgetary and financial requirements
11 under this Act that apply to ADA paratransit services.
12 Beginning in 2008, the Executive Director shall, no later than
13 August 15 of each year, provide to the Board a written
14 determination of the projected annual costs of ADA paratransit
15 services that are required to be provided pursuant to the
16 Americans with Disabilities Act of 1990 and its implementing
17 regulations. The Authority shall conduct triennial financial,
18 compliance, and performance audits of ADA paratransit services
19 to assist in this determination.

20 (Source: P.A. 95-708, eff. 1-18-08.)

21 (70 ILCS 3615/2.30)

22 Sec. 2.30. Paratransit services.

23 (a) For purposes of this Act, "ADA paratransit services"
24 shall mean those comparable or specialized transportation
25 services provided by, or under grant or purchase of service

1 contracts of, the Service Boards to individuals with
2 disabilities who are unable to use fixed route transportation
3 systems and who are determined to be eligible, for some or all
4 of their trips, for such services under the Americans with
5 Disabilities Act of 1990 and its implementing regulations.

6 (b) Beginning July 1, 2005, the Authority is responsible
7 for the funding, from amounts on deposit in the ADA Paratransit
8 Fund established under Section 2.01d of this Act, financial
9 review and oversight of all ADA paratransit services that are
10 provided by the Authority or by any of the Service Boards. The
11 Suburban Bus Board shall operate or provide for the operation
12 of all ADA paratransit services until January 1, 2010 ~~by no~~
13 ~~later than July 1, 2006, except that this date may be extended~~
14 ~~to the extent necessary to obtain approval from the Federal~~
15 ~~Transit Administration of the plan prepared pursuant to~~
16 ~~subsection (c).~~ Beginning January 1, 2010, the Chicago Transit
17 Authority shall operate or provide for the operation of ADA
18 paratransit services within the Chicago Transit Authority's
19 service area.

20 (c) No later than January 1, 2006, the Authority, in
21 collaboration with the Suburban Bus Board and the Chicago
22 Transit Authority, shall develop a plan for the provision of
23 ADA paratransit services and submit such plan to the Federal
24 Transit Administration for approval. Approval of such plan by
25 the Authority shall require the affirmative votes of 12 of the
26 then Directors. The Suburban Bus Board, the Chicago Transit

1 Authority and the Authority shall comply with the requirements
2 of the Americans with Disabilities Act of 1990 and its
3 implementing regulations in developing and approving such plan
4 including, without limitation, consulting with individuals
5 with disabilities and groups representing them in the
6 community, and providing adequate opportunity for public
7 comment and public hearings. The plan shall include the
8 contents required for a paratransit plan pursuant to the
9 Americans with Disabilities Act of 1990 and its implementing
10 regulations. The plan shall also include, without limitation,
11 provisions to:

12 (1) maintain, at a minimum, the levels of ADA
13 paratransit service that are required to be provided by the
14 Service Boards pursuant to the Americans with Disabilities
15 Act of 1990 and its implementing regulations;

16 (2) (blank) ~~transfer the appropriate ADA paratransit~~
17 ~~services, management, personnel, service contracts and~~
18 ~~assets from the Chicago Transit Authority to the Authority~~
19 ~~or the Suburban Bus Board, as necessary, by no later than~~
20 ~~July 1, 2006, except that this date may be extended to the~~
21 ~~extent necessary to obtain approval from the Federal~~
22 ~~Transit Administration of the plan prepared pursuant to~~
23 ~~this subsection (c);~~

24 (3) provide for consistent policies throughout the
25 metropolitan region for scheduling of ADA paratransit
26 service trips to and from destinations, with consideration

1 of scheduling of return trips on a "will-call" open-ended
2 basis upon request of the rider, if practicable, and with
3 consideration of an increased number of trips available by
4 subscription service than are available as of the effective
5 date of this amendatory Act;

6 (4) provide that service contracts and rates, entered
7 into or set after the approval by the Federal Transit
8 Administration of the plan prepared pursuant to subsection
9 (c) of this Section, with private carriers and taxicabs for
10 ADA paratransit service are procured by means of an open
11 procurement process;

12 (5) provide for fares, fare collection and billing
13 procedures for ADA paratransit services throughout the
14 metropolitan region;

15 (6) provide for performance standards for all ADA
16 paratransit service transportation carriers, with
17 consideration of door-to-door service;

18 (7) provide, in cooperation with the Illinois
19 Department of Transportation, the Illinois Department of
20 Public Aid and other appropriate public agencies and
21 private entities, for the application and receipt of
22 grants, including, without limitation, reimbursement from
23 Medicaid or other programs for ADA paratransit services;

24 (8) provide for a system of dispatch of ADA paratransit
25 services transportation carriers throughout the
26 metropolitan region, with consideration of county-based

1 dispatch systems already in place as of the effective date
2 of this amendatory Act;

3 (9) provide for a process of determining eligibility
4 for ADA paratransit services that complies with the
5 Americans with Disabilities Act of 1990 and its
6 implementing regulations;

7 (10) provide for consideration of innovative methods
8 to provide and fund ADA paratransit services; and

9 (11) provide for the creation of one or more ADA
10 advisory boards, or the reconstitution of the existing ADA
11 advisory boards for the Service Boards, to represent the
12 diversity of individuals with disabilities in the
13 metropolitan region and to provide appropriate ongoing
14 input from individuals with disabilities into the
15 operation of ADA paratransit services.

16 (c-5) Effective January 1, 2010, the Suburban Bus Board
17 must transfer the appropriate ADA paratransit services,
18 management, personnel, service contracts, and assets to the
19 Chicago Transit Authority for the provision of ADA paratransit
20 services within the Chicago Transit Authority's service area.

21 (d) All revisions and annual updates to the ADA paratransit
22 services plan developed pursuant to subsection (c) of this
23 Section, or certifications of continued compliance in lieu of
24 plan updates, that are required to be provided to the Federal
25 Transit Administration shall be developed by the Authority, in
26 collaboration with the Suburban Bus Board and the Chicago

1 Transit Authority, and the Authority shall submit such
2 revision, update or certification to the Federal Transit
3 Administration for approval. Approval of such revisions,
4 updates or certifications by the Authority shall require the
5 affirmative votes of 12 of the then Directors.

6 (e) The Illinois Department of Transportation, the
7 Illinois Department of Public Aid, the Authority, the Suburban
8 Bus Board and the Chicago Transit Authority shall enter into
9 intergovernmental agreements as may be necessary to provide
10 funding and accountability for, and implementation of, the
11 requirements of this Section.

12 (f) By no later than April 1, 2007, the Authority shall
13 develop and submit to the General Assembly and the Governor a
14 funding plan for ADA paratransit services. Approval of such
15 plan by the Authority shall require the affirmative votes of 12
16 of the then Directors. The funding plan shall, at a minimum,
17 contain an analysis of the current costs of providing ADA
18 paratransit services, projections of the long-term costs of
19 providing ADA paratransit services, identification of and
20 recommendations for possible cost efficiencies in providing
21 ADA paratransit services, and identification of and
22 recommendations for possible funding sources for providing ADA
23 paratransit services. The Illinois Department of
24 Transportation, the Illinois Department of Public Aid, the
25 Suburban Bus Board, the Chicago Transit Authority and other
26 State and local public agencies as appropriate shall cooperate

1 with the Authority in the preparation of such funding plan.

2 (g) Any funds derived from the federal Medicaid program for
3 reimbursement of the costs of providing ADA paratransit
4 services within the metropolitan region shall be directed to
5 the Authority and shall be used to pay for or reimburse the
6 costs of providing such services.

7 (h) Nothing in this amendatory Act shall be construed to
8 conflict with the requirements of the Americans with
9 Disabilities Act of 1990 and its implementing regulations.

10 (Source: P.A. 94-370, eff. 7-29-05; 95-708, eff. 1-18-08.)

11 (70 ILCS 3615/3A.08) (from Ch. 111 2/3, par. 703A.08)

12 Sec. 3A.08. Jurisdiction. Any public transportation by bus
13 within the metropolitan region, other than public
14 transportation by commuter rail or public transportation
15 provided by the Chicago Transit Authority pursuant to
16 agreements in effect on the effective date of this amendatory
17 Act of 1983 or in the City of Chicago and any ADA paratransit
18 services provided pursuant to Section 2.30 of the Regional
19 Transportation Authority Act, shall be subject to the
20 jurisdiction of the Suburban Bus Board. Beginning on January 1,
21 2010, ADA paratransit services provided pursuant to Section
22 2.30 of the Regional Transportation Authority Act within the
23 Chicago Transit Authority's service area shall be subject to
24 the jurisdiction of the Chicago Transit Authority.

25 (Source: P.A. 94-370, eff. 7-29-05.)

1 (70 ILCS 3615/3A.09) (from Ch. 111 2/3, par. 703A.09)

2 Sec. 3A.09. General Powers. In addition to any powers
3 elsewhere provided to the Suburban Bus Board, it shall have all
4 of the powers specified in Section 2.20 of this Act except for
5 the powers specified in Section 2.20(a)(v). The Board shall
6 also have the power:

7 (a) to cooperate with the Regional Transportation
8 Authority in the exercise by the Regional Transportation
9 Authority of all the powers granted it by such Act;

10 (b) to receive funds from the Regional Transportation
11 Authority pursuant to Sections 2.02, 4.01, 4.02, 4.09 and
12 4.10 of the Regional Transportation Authority Act, all as
13 provided in the Regional Transportation Authority Act;

14 (c) to receive financial grants from the Regional
15 Transportation Authority or a Service Board, as defined in
16 the Regional Transportation Authority Act, upon such terms
17 and conditions as shall be set forth in a grant contract
18 between either the Division and the Regional
19 Transportation Authority or the Division and another
20 Service Board, which contract or agreement may be for such
21 number of years or duration as the parties agree, all as
22 provided in the Regional Transportation Authority Act; and

23 (d) to perform all functions necessary for the
24 provision of paratransit services outside of the Chicago
25 Transit Authority's service area under Section 2.30 of this

1 Act.

2 (Source: P.A. 94-370, eff. 7-29-05.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.